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4 THE HONORABLE JUDGE RICARDO S. MARTINEZ
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

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10 CLYDE A. ARTERBURN, an individual,
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12 v.
13 Plaintiff,

14 HOME DEPOT U.S.A., INC. dba/aka Home
15 Depot, a Foreign Corporation,
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17 Defendant.

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19 CAUSE NO. 2:22-CV-00408-RSM

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21 STIPULATED MOTION TO CONTINUE
22 TRIAL DATE AND AMEND THE CASE
23 SCHEDULE

24 NOTING ON MOTION CALENDAR:
25 JANUARY 3, 2023
26

I. STIPULATED MOTION

27 The parties in the above captioned action, Clyde Arterburn (“Plaintiff”) and Defendant
28 Home Depot, U.S.A., Inc. (hereinafter “Defendant” or “Home Depot”) by and through their
29 undersigned counsel of record hereby submit this stipulated motion pursuant to LCR 10(g) to
30 continue the trial date currently scheduled for June 12, 2023 to **September 11, 2023** and to
31 amend the case schedule in accordance with the dates included in the proposed order. There has
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1 only been one extension in this matter, which was recently granted to extend the expert disclosure
2 deadlines. No other extensions have been requested or granted.

3 This action arises out of a trip and fall that occurred at the Home Depot store located at
4 1100 NE C St. College Place, Washington. This case was originally filed in King County
5 Superior Court on December 6, 2021 and Home Depot filed a motion to dismiss a previously
6 named defendant who has since been dismissed. Home Depot subsequently removed this case
7 to Federal Court on March 31, 2022. The parties have exchanged initial disclosures as well as
8 written discovery and stipulations for release of medical records were executed on July 28, 2022.
9 Despite requesting the medical records shortly thereafter, Home Depot is still waiting for medical
10 and billing records multiple facilities. Therefore, Home Depot has not received a complete set
11 of records, which are necessary for defending Plaintiff's claims for damages.

12 On December 9, 2022, the parties filed a stipulated motion to extend the expert disclosure
13 deadlines as Plaintiff's deposition had not been noted as Home Depot wanted to have all of
14 Plaintiff's medical and billing records in advance. Given the delays in collecting the medical
15 and billing records, and not wanting to delay the noting the deposition any longer, the parties
16 agreed to schedule Plaintiff's deposition, and the soonest date that counsel and Plaintiff were all
17 available for the deposition is January 12, 2023. Additionally, the parties are still in the process
18 of scheduling treating provider depositions as well as Home Depot fact witness depositions,
19 including a Fed. R. Civ. P. 30(b)(6) deposition.

20 Given the above, there is good cause to continue the trial date and amend the Order
21 Setting Trial Date and Related Dates (Dkt. No. 10). This would be beneficial to all parties in
22 order to accommodate these depositions and allow for the experts to review and evaluate the
23 deposition transcript before disclosing their opinions.

24 Wherefore, the parties respectfully request this Court to enter an order amending the
25 Order Setting Trial Date and Related Dates to commence trial on **September 11, 2023**.

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STIPULATED MOTION TO CONTINUE TRIAL DATE
AND AMEND THE CASE SCHEDULE
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1 By executing this stipulation, no party herein waives, but specifically reserves, any
2 previously held rights, claims, and/or defenses.

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4 *Presented By:*

5 HWS LAW GROUP
6

7 By /s/Kaytlin L. Carlson
8 /s/Kelsey L. Shewbert
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14 By /s/Ryan Armentrout
15 Peter J. Hess, WSBA No. 39721
Ryan Armentrout, WSBA No. 43559
16 Attorneys for Plaintiff

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18 **IT IS SO ORDERED:**

19 DATED this 4th day of January, 2023.
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23 RICARDO S. MARTINEZ
24 UNITED STATES DISTRICT JUDGE
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